

STATE OF KANSAS

Event Details

PeopleSoft Strategic Sourcing

Event ID	Format	Type	Page
17300-EVT0004524	Sell	RFx	1
Event Round	Version		
1	1		
Event Name	Streambank Stabilization Projects		
Start Time	Finish Time		
07/28/2016 16:30:00 CDT	08/24/2016 14:00:00 CDT		

Event Currency: US Dollar
Bids allowed in other currency: No

Bidder: PUBLIC EVENT DETAILS

Submit To: Department of Administration
Procurement and Contracts
900 SW Jackson
Suite 451-South
Topeka KS 66612-1286
United States

Contact: David M Stueve
Phone: 785/296-0408
Email: david.stueve@da.ks.gov

Event Description

The Department of Agriculture is seeking proposals for the construction of streambank stabilization projects along the Cottonwood River per the attached Invitation For Bid and these Event Details.

PRE-BID: AUGUST 11, 2016, 10:00 AM, CITY OF EMPORIA, 516 MECHANIC STREET, CONFERENCE ROOM 1AB

General Comments

- ATTC - See the attachment for additional information.

- *****
0008 - Invitation for Bid

- *****
MANDATORY REQUIREMENT: If you are interested in bidding on this transaction you MUST BE OFFICIALLY INVITED to the event. Contact the person named above at least 24 HOURS BEFORE the official finish date and time to request the official invitation.

Due to State of Kansas SMART Strategic Sourcing System requirements, any bidder with an interest in bidding on any State of Kansas SOURCING EVENT must officially request an invitation from the Procurement Officer (Event Contact) at least 24 hours before the Bid Event official finish date and time. If you fail to request such in a timely fashion, your bid may be rejected in its entirety.

EXCEPTION: If you have received a Bid Event Document with your company's name in the upper right hand corner of the document, your company has already been invited to the bid event.

If you are not a registered bidder/vendor with the state of Kansas you must register as a bidder AND request official invitation at least 24 hours before the Bid Event official finish date and time. To register as a bidder visit our website: www.admin.ks.gov/offices/procurement-and-contracts

- *****
Pre-proposal Conference - A pre-proposal conference will be held at the time and place indicated within the attachment. at 10:00 am, on August 11, 2016, at the following location:

City of Emporia
516 Mechanic
Conference Room 1AB

Attendance is not required at the pre-proposal conference. Questions requesting clarification of the Bid Event must be submitted electronically (MS Word) to the Procurement Officer (Event Contact) indicated above prior to 12:00 PM, on August 15, 2016. Impromptu questions may be permitted and spontaneous unofficial answers provided, however bidders should understand that the only official answer or position of the State of Kansas will be presented in writing.

Failure to notify the Procurement Officer (Event Contact) of any conflicts or ambiguities in the Bid Event may result in items being resolved in the best interest of the State. Any modification to this Bid Event as a result of the pre-proposal conference, as well as written answers to written questions, shall be made in writing by addendum and dispatched to all bidders associated to this event. Only written communications are binding.

Answers to questions will be available in the form of an addendum on the Procurement and Contracts' website, www.admin.ks.gov/offices/procurement-and-contracts.

It shall be the responsibility of all participating bidders to acquire any and all addenda and additional information as it is made available from the web site cited above. Vendors/Bidders not initially invited to participate in this Bid Event must notify the Procurement Officer (Event Contact) of their intent to bid at least 24 hours prior to the event's closing date/time. Bidders are required to check the website periodically for any additional information or instructions.

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BIDDER MUST OBTAIN A CURRENT TAX CLEARANCE CERTIFICATE

A "Tax Clearance" is a comprehensive tax account review to determine and ensure that the account is compliant with all primary Kansas Tax Laws administered by the Kansas Department of Revenue (KDOR) Director of Taxation. Information pertaining to a Tax Clearance is subject to change(s), which may arise as a result of a State Tax Audit, Federal Revenue Agent Report, or other lawful adjustment(s).

INSTRUCTIONS: To obtain a Current Tax Clearance Certificate, you must:

- Go to <http://ksrevenue.org/taxclearance.html> to request a Tax Clearance Certificate
- Return to the website the following working day to see if KDOR will issue the certificate
- If issued an official certificate, print it and attach it to your bid response
- If denied a certificate, engage KDOR in a discussion about why a certificate wasn't issued

Bidders (and their subcontractors) are expected to submit a current Tax Clearance Certificate with every event response.

REMINDER: You will need to sign back into the KDOR website to view and print the official tax clearance certificate.

Information about Tax Registration can be found at the following website:
<http://www.ksrevenue.org/busregistration.html>

Procurement and Contracts reserves the right to confirm tax status of all potential contractors and subcontractors prior to the release of a purchase order or contract award.

In the event that a current tax certificate is unavailable, Procurement and Contracts reserves the right to notify a bidder (one that has submitted a timely event response) that they have to provide a current Tax Clearance Certificate within ten (10) calendar days, or Procurement and Contracts may proceed with an award to the next lowest responsive bidder, whichever is determined by the Director of Purchases to be in the best interest of the State.

Sales Tax Determination: This project has been determined by the Kansas Department of Revenue to be subject to Kansas sales tax. The cost of said Tax must be INCLUDED IN all Bid and Contract prices. Sales tax includes all applicable state, county and city sales taxes.

A general contractor or other contractor who contracts directly with the State of Kansas or one of its agencies shall pay tax as follows:

- a. Labor: No tax will be assessed since the labor is purchased directly by the State or one of its agencies.
- b. Materials: Taxes will be assessed on materials purchased for the project.

A subcontractor on this project shall pay tax as follows:

- a. Labor Taxes will be assessed because this labor is not purchased directly by the state or one of its agencies. (However, labor will not be taxed on projects calling for the original construction of a building or for repair or remodeling of a residence).
- b. Materials: Taxes will be assessed on materials purchased for the project.

Whether sales tax should be paid to the Department of Revenue by a subcontractor on the subcontractor's labor services will depend upon whether the project qualifies as the original construction of a building or facility or as the repair or remodeling of a residence. The contractor and each subcontractor will be responsible for determining whether labor services for the project qualifies for such exemption and for including the correct amount of state, county and city sales tax applicable to this project. Contractors and subcontractors must include all sales tax due on materials, which are not exempt on this project. Any questions should be addressed to the Kansas Department of Revenue, Division of Taxation, Taxpayer Assistance Center. (785) 296-0222.

A general contractor or other contractor that contracts directly with the State of Kansas shall obtain copies of the Kansas Retailers Sales Tax Registration certificates from all its subcontractors on this project and have them available at the jobsite upon request.

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Insurance: The Successful Bidder shall present an affidavit of Worker's Compensation, Public Liability, and Property Damage Insurance to Procurement and Contracts.

During the 2012 Session, the Kansas Legislature enacted a Bidder Preference Program which created three (3) bid preferences. To see if you qualify for any of the preferences, please go to the following website for more information:
www.admin.ks.gov/offices/procurement-and-contracts/bidder-preference-program.

To claim this preference, the bid response must include the Preference Request Form and you must respond to the applicable Bidder Preference category in the question under the General Questions section on the following page(s).

During the 2014 Session, the Kansas Legislature enacted the Disabled Veteran Owned Business bidder preference program. For more information or to see if you qualify, please go to the following website:
<http://admin.ks.gov/docs/default-source/ofpm/procurement-contracts/disabled-veteran-preference-program.doc>

To claim this preference, the bid response must include a copy of the letter from Procurement and Contracts certifying your company as a Disabled Veteran Owned Business and you must respond to the applicable Disabled Veteran Owned Business category in the question under the General Questions section on the following page(s).

Emailed or Fax Bids Submission will NOT be accepted for this Bid Event.

Bid Bond: A Bid Guaranty IS Required for this project: A bid guaranty in the amount of 5% of total amount bid shall be submitted by all bidders to ensure faithful performance with the conditions of this RFQ and/or ensuing award. A bid guaranty must be one of the following:

- (1) certified or cashier check or certificate of deposit payable to the State; or
- (2) a properly executed bond payable to the State.

A check or certificate of deposit bid guaranty shall be returned after a vendor has entered into a binding contractual relationship with the State unless the guaranty shall serve as a performance guaranty. If the successful vendor fails or refuses to enter into a written agreement, the State shall retain as liquidated damages the bid guaranty.

A check or certificate of deposit bid guaranty of an unsuccessful vendor will be returned after a contract is executed with the successful vendor.

Performance Bond: The Successful Bidder shall file with the Director of Purchases a Performance Bond in an amount equal to one hundred percent (100%) of the price bid as security for the faithful performance of this contract and as security for the payment of all persons performing labor and furnishing materials in connection with this solicitation.

The guaranty shall be returned to the Contractor upon the completion of this contract subject to total or partial forfeiture for failure to perform adequately the terms of this contract. If damages exceed the amount of the guaranty, the State may seek additional damages.

Note: A Performance Bond is not required for Projects with a total price below \$40,000.00.

Necessary bond forms will be furnished by Procurement and Contracts and can be completed by any General Insurance Agent. Bonds shall be issued by a Surety Company licensed to do business in the State of Kansas.

Public Works Bond: The Successful Bidder shall file with the Director of Purchases a Public Works Bond as required by K.S.A. 60-1111 in an amount equal to one hundred percent (100%) of contract price and shall be filed with the Clerk of the District Court in the County where the project is being constructed.

The guaranty shall be returned to the Contractor upon the completion of this contract subject to total or

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partial forfeiture for failure to perform adequately the terms of this contract. If damages exceed the amount of the guaranty, the State may seek additional damages.

Note: A Public Works Bond is not required for Projects with a total price below \$100,000.00.

Necessary bond forms will be furnished by Procurement and Contracts and can be completed by any General Insurance Agent. Bonds shall be issued by a Surety Company licensed to do business in the State of Kansas.

General Questions

Question	UOM	Best	Worst	Response
Does your organization accept the State of Kansas terms and conditions as stated?				<input type="text"/>

Required: Yes Mandatory ResponseNo

Response Comments

Is a current Tax Clearance Certificate included with this bid event submission (refer to Item #4, Appendix B - Terms and Conditions, Event Details document)?

Required: Yes Mandatory ResponseNo

Response Comments

Is a completed Immigration Reform and Control form included with this bid event submission (refer to Item #5, Appendix B - Terms and Conditions, Event Details document)?

Required: Yes Mandatory ResponseNo

Response Comments

Have you included a Bid Bond/Guaranty valued at 5% of the bid amount?

Required: Yes Mandatory ResponseNo

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Response Comments

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Please select ONE category from the following list with regard to a Bidder Preference. If selecting a Bidder Preference category, supporting documentation must accompany this bid response. (Note: #3 "State Use Purchases" category does not apply to Requests for Proposals)

Options: Not claiming any Bidder Preference Category
 Claiming the Disabled Veteran Owned Business Category
 Claiming the State Use Purchases Bidder Preference Category
 Claiming the Certified Business Bidder Preference Category

Required: Yes Mandatory Response: No

Select One

Response Comments

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Line Details

				No Bid:	<input type="checkbox"/>
Line: 1	Item ID:	Line Qty: 1.00	UOM: Each	Bid Qty:	<input type="text"/>
Required: No	Reserve Price: No				
Description: SC - Streambank Projects Along Cottonwood River				Min/Max Qty: No min / No max	
Question	UOM	Best	Worst	Response	
Do NOT enter pricing here. Please use the pricing sheets provided within the Invitation For Bid document.				<input type="text"/>	
Required: Yes Mandatory Response: No					

Response Comments

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Bidder Information

Firm Name:		
Name:	Signature:	Date:
Phone #:	Fax #:	
Street Address:		
City & State:	Zip Code:	
Email:		

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Appendix A - Line Specifications

Line: 1 Item ID: Line Qty: 1 UOM: Each
Description: SC - Streambank Projects Along Cottonwood River

Item Specifications

Manufacturer:		
Mfg Item ID:		
Item Length:	0	Item Height: 0
Item Width:	0	Dimension UOM:
Item Volume:	0	Volume UOM:
Item Weight:	0	Weight UOM:
Item Size:		Item Color:

Shipping Information

Schedule:	1	Ship To:
Quantity:	1	
Due Date:	08/24/2016	
Freight Terms:		
Ship Via:	Common Carrier	

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Appendix B - Terms & Conditions

1. It is the bidder's responsibility to submit questions, acknowledge addenda and attend pre-bid conferences as indicated in this event or attachment(s). When communicating always refer to the Bid Event ID.
2. Conflict of Interest: With the submission of a response for this bidding event, you certify that you do not have any substantial conflict of interest sufficient to influence the bidding process of this event. A conflict of substantial interest is one which a reasonable person would think would compromise the opening bidding process.
3. BIDDER MUST OBTAIN A CURRENT TAX CLEARANCE CERTIFICATE A "Tax Clearance" is a comprehensive tax account review to determine and ensure that the account is compliant with all primary Kansas Tax Laws administered by the Kansas Department of Revenue (KDOR) Director of Taxation. Information pertaining to a Tax Clearance is subject to change(s), which may arise as a result of a State Tax Audit, Federal Revenue Agent Report, or other lawful adjustment(s). INSTRUCTIONS: To obtain a Current Tax Clearance Certificate, you must: 1) Go to: <http://ksrevenue.org/taxclearance.html> to request a Tax Clearance Certificate; 2) Return to the website the following working day to see if KDOR will issue the certificate; 3) If issued an official certificate, print it and attach it to your bid response; and 4) If denied a certificate, engage KDOR in a discussion about why a certificate wasn't issued. Bidders (and their subcontractors) are expected to submit a current Tax Clearance Certificate with every event response. REMINDER: You will need to sign back into the KDOR website to view and print the official tax clearance certificate. Information about Tax Registration can be found at the following website: <http://www.ksrevenue.org/busregistration.html>. Procurement and Contracts reserves the right to confirm tax status of all potential contractors and subcontractors prior to the release of a purchase order or contract award. In the event that a current tax certificate is unavailable, Procurement and Contracts reserves the right to notify a bidder (one that has submitted a timely event response) that they have to provide a current Tax Clearance Certificate within ten (10) calendar days, or Procurement and Contracts may proceed with an award to the next lowest responsive bidder, whichever is determined by the Director of Purchases to be in the best interest of the State.
4. Immigration and Reform Control Act of 1986 (IRCA): All contractors are expected to comply with the Immigration and Reform Control Act of 1986 (IRCA), as may be amended from time to time. This Act, with certain limitations, requires the verification of the employment status of all individuals who were hired on or after November 6, 1986, by the contractor as well as any subcontractor or sub-contractors. The usual method of verification is through the Employment Verification (I-9) form. With the submission of this bid, the contractor hereby certifies without exception that such contractor has complied with all federal and state laws relating to immigration and reform. Any misrepresentation in this regard or any employment of persons not authorized to work in the United States constitutes a material breach and, at the State's option, may subject the contract to termination for cause and any applicable damages. Unless provided otherwise herein, all contractors are expected to be able to produce for the State any documentation or other such evidence to verify Contractor's IRCA compliance with any provision, duty, certification, or like item under the contract. Bidders must submit a Certification Regarding Immigration Reform & Control form with every event response. The form can be found at the following website: <http://www.admin.ks.gov/docs/default-source/ofpm/procurement-contracts/irca.doc> (Click "Cancel" if asked to enter User name and Password).
5. Competition: The purpose of this Request is to seek competition. The bidder shall advise Procurement and Contracts if any specification, language or other requirement inadvertently restricts or limits bidding to a single source. Notification shall be in writing and must be received by Procurement and Contracts no later than five (5) business days prior to the event closing date. The Director of Purchases reserves the right to waive minor deviations in the specifications which do not hinder the intent of this Request.
6. Acceptance or Rejection: The State reserves the right to accept or reject any or all bid responses or part of a response; to waive any informalities or technicalities; clarify any ambiguities in responses; modify any criteria in this Event; and unless otherwise specified, to accept any item in a response.
7. Disclosure of Bid Event Content and Proprietary Information: All bid responses become the property of the State of Kansas. The Kansas Open Records Act (K.S.A. 45-215 et seq) requires public information be placed in

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the public domain at the conclusion of the selection process, and be available for examination by all interested parties. More information on this subject can be found at the following website:
<http://admin.ks.gov/offices/chief-counsel/kansas-open-records-act>.

8. Debarment of State Contractors. Any Contractor who defaults on delivery or does not perform in a satisfactory manner as defined in this Agreement may be barred for a period up to three (3) years, pursuant to K.S.A. 75-37,103, or have its work evaluated for pre-qualification purposes. Contractor shall disclose any conviction or judgment for a criminal or civil offense of any employee, individual or entity which controls a company or organization or will perform work under this Agreement that indicates a lack of business integrity or business honesty. This includes (1) conviction of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract or in the performance of such contract or subcontract; (2) conviction under state or federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, or receiving stolen property; (3) conviction under state or federal antitrust statutes; and (4) any other offense the State determines to be so serious and compelling as to affect responsibility as a state contractor. For the purpose of this section, an individual or entity shall be presumed to have control of a company or organization if the individual or entity directly or indirectly, or acting in concert with one or more individuals or entities, owns or controls twenty-five (25) percent or more of its equity, or otherwise controls its management or policies. Failure to disclose an offense may result in disqualification of the Proposal or termination of the Agreement, as determined by the State.
9. Accounts Receivable Set-Off Program: If during the course of this contract the Contractor is found to owe a debt to the State of Kansas, agency payments to the Contractor may be intercepted / setoff by the State of Kansas. Notice of the setoff action will be provided to the Contractor. Pursuant to K.S.A. 75-6201 et seq, Contractor shall have the opportunity to challenge the validity of the debt. If the debt is undisputed, the Contractor shall credit the account of the agency making the payment in an amount equal to the funds intercepted. K.S.A. 75-6201 et seq. allows the Director of Accounts and Reports to set off funds the State of Kansas owes Contractors against debts owed by the contractor to the State of Kansas. Payments set off in this manner constitute lawful payment for services or goods received. The Contractor benefits fully from the payment because its obligation to the State is reduced by the amount subject to setoff.

Last Updated: 01/15/2014